

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 2476 – SB 2580**

April 15, 2014

**SUMMARY OF ORIGINAL BILL:** Directs that a death penalty, for offenses committed on or after July 1, 2014, be carried out by electrocution if (1) lethal injection is held to be unconstitutional or (2) the Commissioner of Correction certifies to the Governor that one or more of the ingredients essential to carrying out a sentence of death by lethal injection is unavailable through no fault of the department.

**CORRECTED FISCAL IMPACT OF ORIGINAL BILL:**

Other Fiscal Impact – According to the Post-Conviction Defenders Office, the conference will bring a constitutional challenge on behalf of their client(s) challenging this legislation. The costs of such litigation are not quantifiable.

**SUMMARY OF AMENDMENT (016628):** Directs that a death penalty, for offenses committed on or after July 1, 2014, be carried out by electrocution or any other constitutional method of execution if (1) lethal injection is held to be unconstitutional or (2) the Commissioner of Correction certifies to the Governor that one or more of the ingredients essential to carrying out a sentence of death by lethal injection is unavailable through no fault of the department.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the corrected fiscal impact.**

Assumptions for the bill as amended:

- According to the Post-Conviction Defenders Office, the conference would be required to bring a constitutional challenge on behalf of their client.
- Such a case would be brought in conjunction with the Federal Public Defenders Office of Middle Tennessee and the Federal Defender Services of Eastern Tennessee. The costs of such a case are not quantifiable.
- According to the Department of Correction, the proposed legislation will not significantly impact the department.
- According to the Attorney General and Reporter, the proposed legislation will not significantly impact the Attorney General, because the Attorney General's duties already include defending the constitutionality of statutes for which the Attorney General currently receives funding.

**HB 2476 – SB 2580**

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a more compact, stylized manner, followed by "D." and "Geise".

Lucian D. Geise, Executive Director

/trm